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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,208	02/22/2001	Andrew Rodney Ferlitsch	SLA 0345	5137
52894	7590	07/28/2006	EXAMINER	
KRIEGER INTELLECTUAL PROPERTY, INC. P.O. BOX 1073 CAMSAS, WA 98607				HUNTSINGER, PETER K
ART UNIT		PAPER NUMBER		
2625				

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/681,208	FERLITSCH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Peter K. Huntsinger	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-10, and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama Patent 6,965,958, and further in view of Lobiondo Patent 5,287,194.

Referring to claim 1, Sugiyama discloses a method for dividing a print task into a plurality of proportional print tasks, said method comprising the following acts in order: sending a print task to a driver (col. 6, lines 22-27); converting said print task to a printer-specific print task with said driver (col. 7, lines 8-21); sending said printer-specific print task to a spooler (col. 6, lines 22-27); sending said printer-specific print task from said spooler to a non-driver print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51); sending print task modification commands to said non-driver print processor; determining individual printer capabilities for a plurality of printers, wherein said capabilities relate to at least one of a printer speed, a printer availability and a printer

media capacity (S12 of Fig. 9, col. 8, lines 14-21); and modifying said printer-specific print task with said non-driver print processor (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 1.

Referring to claim 2, Sugiyama discloses wherein said sending said print task modification commands comprises reading command data from a configuration file (col. 5, lines 31-32).

Referring to claim 3, Sugiyama discloses the act of prompting a user for print task modification commands (Fig. 6, col. 5, lines 52-57).

Referring to claim 5, Sugiyama discloses wherein said prompting is driver-based (col. 5, lines 52-57).

Referring to claim 6, Lobiondo discloses wherein the size of each said modified print tasks is primarily proportional to the speed of the printer associated with the print task (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 7, Lobiondo discloses wherein said dividing comprises job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 8, Lobiondo discloses wherein said dividing comprises copy splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 9, Lobiondo discloses wherein said dividing comprises a combination of copy splitting and job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 10, Lobiondo discloses distributing said plurality of modified print tasks to said plurality of printers (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 13, Sugiyama discloses a post-driver print processor capable of modifying a print task, after driver processing, according to print task modification commands, said print processor comprising: a spooler interface for receiving a print task from a spooler (col. 6, lines 22-27); a command interface for receiving a print task modification command (Fig. 6, col. 5, lines 52-57); a modifier for modifying said print task according to said print task modification command, after a driver has processed said print task, thereby creating at least one modified print task (despoiler 42 of Fig. 5, col. 5, lines 44-51); and an output for sending at least one modified print task to one of a printer or a spooler (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein

the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 13.

Referring to claim 14, Sugiyama discloses wherein said interface receives print task modification commands independently of said input for receiving a print task (col. 8, lines 3-28).

Referring to claim 15, Sugiyama discloses wherein said interface is a dialog box (Fig. 6, col. 5, lines 52-57).

Referring to claim 16, Lobiondo discloses wherein a command interface prompts a user for job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 17, Lobiondo discloses wherein a command interface prompts a user for copy splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 18, Lobiondo discloses wherein a command interface prompts a user for copy splitting and job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 19, Lobiondo discloses wherein a command interface prompts a user for multiple printer selection (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claims 20 and 21, Sugiyama discloses a computer readable medium comprising instructions for modifying a print task with a post-driver print processor, said instructions comprising the acts of: receiving a printer-driver-converted print task at said print processor, said printer-driver-converted print task being received from a spooler (col. 6, lines 22-27); receiving print task modification commands at said print processor (Fig. 6, col. 5, lines 52-57); and modifying said printer-driver-converted print task with said print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claims 20 and 21.

Referring to claim 22, Sugiyama discloses a method for modifying a print task with a print processor, said method comprising the acts of: sending a print task to a driver (col. 6, lines 22-27); converting said print task with said driver (col. 7, lines 8-21); prompting a user for print task modification commands (Fig. 6, col. 5, lines 52-57);

creating a spool file for said converted print task (col. 7, lines 22-27); sending said spool file to a spooler (col. 6, lines 22-27); spooling said spool file to a modifying non-driver print (despoiler 42 of Fig. 5, col. 5, lines 44-51); modifying said spool file according to said print task modification commands, after said converting by said driver, thereby creating at least one modified print task (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 22.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama Patent 6,965,958 and Lobiondo Patent 5,287,194 as applied to claim 3 above, and further in view of Taniguchi et al. Patent 6,348,972.

Referring to claim 4, Sugiyama discloses prompting a user for print task modification commands, but does not disclose expressly said prompting is print-

processor based. Taniguchi et al. disclose prompting that is print-processor based (S605 of Fig. 6, col. 6-7, lines 61-67, 1-10). Sugiyama and Taniguchi et al. are combinable because they are from the same field of printing systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize prompting from the printer. The motivation for doing so would have been to allow the user to perform print job commands at the location where the document is printed so as to make the printing more secure and convenient. Therefore, it would have been obvious to combine Taniguchi et al. with Sugiyama to obtain the invention as specified in claim 4.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama Patent 6,965,958 and Lobiondo Patent 5,287,194 as applied to claim 1 above, and further in view of Onuma Patent 6,570,669.

Referring to claim 11, Sugiyama discloses a print task but does not expressly disclose wherein said print task is a printer-ready file. Onuma discloses a print task consisting of a printer-ready file (RAW file, Col. 6, lines 6-9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a printer-ready file format. One of ordinary skill in the art would have been motivated to do this because the printer-ready file, or a RAW file, is a standard format available for print tasks at the time this invention was made and the data sent to a printer for printing needs to be in a format suitable for printing. Therefore, it would have

been obvious to combine Onuma with Sugiyama to obtain the invention as specified in claim 11.

Referring to claim 12, Sugiyama discloses a print task but does not expressly disclose wherein said print task is journalled printer data. Onuma discloses a print task consisting of journalled printer data (EMF file, Col. 6, lines 9-15). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate journalled printer data format. One of ordinary skill in the art would have been motivated to do this because journalled printer data, or an EMF file, is a standard format available for print tasks available at the time this invention was made. Therefore, it would have been obvious to combine Onuma with Sugiyama to obtain the invention as specified in claim 12.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. Patent 6, 348,971 and further in view of Lobiondo Patent 5,287,194.

Referring to claim 23, Owa et al. discloses " a method for distributing a print task to multiple printing devices with a print processor, said method comprising the acts of: generating a print task from an application (application program, Col. 9, lines 38-44), said print task being configured for printing on a single printing device (document 30, Col. 8, lines 52-56); invoking a print driver for combining device initialization and environment data for said single printing device and print task data from said application and creating a spool file (print data Col. 9, lines 45-65); obtaining cluster printing data (user print condition input section 14, Col. 4, lines 18-20); sending said spool file to a

spooler (print request router 46, Col. 9-10, lines 61-67, 1-4); spooling said spool file to a cluster-enabled print processor (CPP) (network printer provider 48, Col. 10, lines 3-13); modifying said spool file data with said CPP to cause said print task to be distributed to multiple printing devices thereby creating at least one modified print task (Col. 9, lines 50-60); and sending said at least one modified print task to said multiple printing devices" (print data, Col. 9-10, lines 61-67, 1-18). The document disclosed by Owa et al. is a print task consisting of no modifications and is not split into print jobs. Loading of the execution modules into memory preformed by the core driver of Owa et al. is interpreted to encompass device initialization for the single printing device. Owa et al. presents that the print data is generated from the print driver and the print request router stores this print data in a spool file. While it is not explicitly stated, the reference does indicate that the spool file is created between the components of the print driver and print request router, which implies that the print data generated by the print driver is a spool file. The print request router of Owa et al. stores print data and transfers the print data when it is time to print. This function is identical to the function of a spooler, and these components are equivalent. The print request router of Owa et al. then transfers the spool file to a network print processor which modifies a print task based off the supplied network address. Again, the software disclosed by Owa et al. performs equivalently to the applicant's print processor software. Owa et al. do not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to

the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Owa et al. and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Owa et al. to obtain the invention as specified in claim 23.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH  


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